

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AMERICAN MARKETING &
FULFILLMENT, INC,

Plaintiff,

vs.

VINCENT SOTTOSANTI and INSIDE
MARKETING GROUP, LLC,

Defendants.

NOTICE OF REMOVAL

Civil Action No.:

Supreme Court of the State of New
York, County of Nassau
Index No. 608151/2020

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,

Defendants Vincent Sottosanti and Inside Marketing Group, LLC (collectively “Defendants”), by and through their attorneys, Diserio Martin O’Connor & Castiglioni LLP, hereby remove this action to the United States District Court for the Eastern District of New York. Defendants respectfully state the following grounds for removing this action:

1. Vincent Sottosanti and Inside Marketing Group, LLC are defendants in a civil action titled *American Marketing & Fulfillment, Inc. v. Vincent Sottosanti and Inside Marketing Group, LLC*, Index No. 608151/2020, pending in the Supreme Court of the State of New York, County of Nassau (“State Court Action”).
2. Plaintiff American Marketing & Fulfillment, Inc. (“Plaintiff”) filed the Complaint in the State Court Action in the Supreme Court of the State of New York, County of New York on or about October 16, 2020. *See* Complaint, annexed hereto as Exhibit A.
3. Defendants received a copy of the Complaint in the State Court Action on October 16, 2020.

4. Under 28 U.S.C. § 1446(b), this removal is timely. The Notice of Removal is being filed within thirty (30) days of Defendants' receipt of the Complaint.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the State Court Action is pending in the Supreme Court of the State of New York, County of Nassau.

6. Pursuant to 28 U.S.C. § 1446(a), Defendants annex hereto as Exhibit B a copy of all "process, pleadings, and orders" served on Defendants in this action to date.

7. Plaintiff is a New York corporation with a primary place of business located in Nassau County, New York. *See* Exhibit A, ¶ 11.

8. Defendant, Vincent Sottosanti, is a citizen of the State of Connecticut, and resident of Fairfield County, Connecticut.

9. Defendant, Inside Marketing Group, LLC, is a company with its principal place of business in the State of Connecticut, whose members are citizens of the State of Connecticut.

10. The Complaint in the State Court Action alleges damages in excess of \$10,000,000. *See, generally*, Exhibit A. The matter in controversy is at least \$75,000, exclusive of interest and costs, and is between citizens of different states within the meaning of 28 U.S.C. § 1332(a)(1).

11. Therefore, this Court has jurisdiction of this action pursuant to 28 U.S.C. § 1332(a)(1), and removal of this action is proper pursuant to 28 U.S.C. § 1441.

12. By removing this action, Defendants do not waive any rights, claims or defenses. Defendants expressly reserve their rights to assert any and all jurisdictional or other defenses.

13. Pursuant to 28 U.S.C. § 1446(d), Defendants shall promptly give Plaintiff written notice of the filing of this Notice of Removal, and Defendants shall file written notice of having filed this Notice of Removal with the clerk of the Supreme Court of the State of New York, County of Nassau, attaching thereto a copy of this Notice of Removal.

14. Annexed hereto as Exhibit C is a Civil Cover Sheet.

WHEREFORE, Defendants respectfully remove the matter styled as *American Marketing & Fulfillment, Inc. v. Vincent Sottosanti and Inside Marketing Group, LLC*, Index No. 608151/2020, pending in the Supreme Court of the State of New York, County of Nassau, to this Court and respectfully request that the matter proceed in this Court as an action properly removed thereto.

Dated: Stamford, Connecticut
November 5, 2020

Respectfully submitted,

**DISERIO MARTIN O'CONNOR &
CASTIGLIONI LLP**

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